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**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/201,260 11/30/98 KOBAYASHI

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EXAMINER

STAFIRA, M

ART UNIT

PAPER NUMBER

2877

DATE MAILED: 02/16/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/201,260

Applicant(s)  
Kobayashi et al.

Examiner  
Michael P. Stafira

Group Art Unit  
2877



☒ Responsive to communication(s) filed on election filed 12/12/2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-17 is/are pending in the application.

Of the above, claim(s) 11-17 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-10 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Election/Restriction*

1. Claims 11-17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected ferrule, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 7.
2. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

### *Priority*

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

5. Claims 1-4, are rejected under 35 U.S.C. 102(e) as being anticipated by Oomichi et al. ('285).

Claim 1

Oomichi et al. ('285) discloses a zirconia based ceramics, containing  $ZrO_2$  as the main component,  $Y_2O_3$  within the range of 2-4 mol%,  $Al_2O_3$  in the range of 0.05-1.0 wt%,  $SiO_2$  and  $TiO_2$  within the range of 0.01 wt% or less (Col. 5, lines 21-23; Col. 6, lines 36-39; See Table 1 "Comp Ex. 2").

Claim 2

The reference of Oomichi et al. ('285) further discloses refining starting materials including  $ZrO_2$  and  $Y_2O_3$  to contain 0.01 wt% or less each of  $SiO_2$  and  $TiO_2$  (Col. 5, lines 21-23; Col. 6, lines 36-39; See Table 1 "Comp Ex. 2"); forming a mixture of the starting materials to a desired shape (Col. 5, lines 44-51); and firing the shaped material at a temperature in a range of 1300-1600°C to obtain a sintered zirconia based ceramics (Col. 5, lines 52-55).

Claim 3

Oomichi et al. ('285) discloses an optical connector member (Col. 1, lines 9-11) formed of a zirconia based ceramics, containing  $ZrO_2$  as the main component,  $Y_2O_3$  within the range of 2-4 mol%,  $Al_2O_3$  in the range of 0.05-1.0 wt%,  $SiO_2$  and  $TiO_2$  within the range of 0.01 wt% or less (Col. 5, lines 21-23; Col. 6, lines 36-39; See Table 1 "Comp Ex. 2").

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Claim 4

The reference of Oomichi et al. ('285) discloses an ceramic material that has a 0.1 wt% or less of a rate of change in weight (Col. 5, lines 21-23; Col. 6, lines 36-39; See Table 1 "Comp Ex. 2") while the material is held at a temperature of 85°C and relative humidity of 85% for 2000 hours. It is inherent in the reference of Oomichi et al. ('285) that the ceramic material can be held at a temperature of 85°C and relative humidity of 85% for 2000 hours because the claim does discloses the effects the temperature will have on the material and therefore, the reference of Oomichi et al. ('285) reads on the claimed invention.

Claim 10

Oomichi et al. ('285) discloses a zirconia based ceramics, containing  $ZrO_2$  as the main component,  $Y_2O_3$  within the range of 2-4 mol%,  $Al_2O_3$  in the range of 0.05-1.0 wt%,  $SiO_2$  and  $TiO_2$  within the range of 0.01 wt% or less (Col. 5, lines 21-23; Col. 6, lines 36-39; See Table 1 "Comp Ex. 2").

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claim 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Oomichi et al. ('285) as applied to claim 4 above, and further in view of Seth ('328).

Claim 5

Oomichi et al. ('285) substantially teaches the claimed invention except that it does not show an optical member is a ferrule having a through hole to hold a end portion of a fiber therein. Seth ('328) shows that it is known to provide an optical member is a ferrule having a through hole to hold a end portion of a fiber therein (See Figure 3). It would have been obvious to combine the device of reference Oomichi et al. ('285) with the ferrule of Seth ('328) for the purpose of providing support for connecting the optical connector member to other optical connector members.

8. Claim 6,7,8,9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oomichi et al. ('285) and Seth ('328) as applied to claim 4 or 5 above, and further in view of Matsumoto et al. ('911).

Claim 6 & 7

Oomichi et al. ('285) and Seth ('328) substantially teaches the claimed invention except that it does not show the ceramic material comprises based ceramics which is stabilized by a stabilizer other than  $Y_2O_3$  and does not substantially contain  $Y_2O_3$ . Matsumoto et al. ('911) shows that it is known to provide a based ceramics which is stabilized by a stabilizer other than  $Y_2O_3$  (Col. 10, lines 64-67; Col. 11, lines 9-11, 20-23). It would have been obvious to combine the

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reference of Oomichi et al. ('285) and Seth ('328) with the stabilizer of Matsumoto et al. ('911) for the purpose of providing transformation temperature control.

Claim 8 & 9

Oomichi et al. ('285) and Seth ('328) in view of Matsumoto et al. ('911) discloses the claimed invention except for the wt% etc.. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the wt% etc., since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or working ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

### ***Conclusion***

9. If the applicant wishes to send a Fax dealing with either a proposed amendment or for discussion for a phone interview, then the Fax should:

1) Contain either a statement "DRAFT" or "PROPOSED AMENDMENT" on the Fax cover sheet; and

2) Should be unsigned by the attorney or agent.

This will ensure that it will not be entered into the case and will be forwarded to the examiner as quickly as possible.

*Papers related to the application may be submitted to Group 2800 by Fax transmission. Papers should be faxed to Group 2800 via the PTO Fax machine located in Crystal Plaza 4. The form of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CP4 Fax Machine number is:*

**(703) 308-7722**

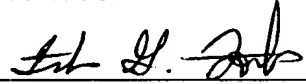
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Examiner Michael P. Stafira* whose telephone number is (703) 308-4837.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Michael P. Stafira  
Patent Examiner  
Art Unit 2877

February 6, 2001/mps

  
\_\_\_\_\_  
Frank Font  
Supervisory Patent Examiner